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MARCIA M. WALDRON
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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790

TELEPHONE
215-597-2995

Erie Clerk of District Court

Date 12/07/05

(District)

Dandar vs. Comm PA

C. of A. No. 05-3731

(Caption)

Ronald G. Dandar

(Appellant)

Civil No. 02-cv-222

(D.C. No.)

Enclosures:

12/07/05

(Date)

Certified copy of C. of A. Order by the Court/XXXXX

* X Record (**Rec'd**)

* _____ Supplemental Record

* _____ Exhibits

* _____ State Court Record

X Copy of this form to acknowledge receipt and return to C. of A.

_____ Record not returned at this time until appeal(s) closed at No.(s) _____

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Carmen M. Hernandez (267)-299- 4952

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Rev. 4/3/03
Appeals (Record)

DPS-30

October 27, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 05-3731

RONALD G. DANDAR

VS.

COMMONWEALTH OF PA, ET AL.

(W.D. PA. CIV. NO. 02-CV-00222)

Present: ROTH, FUENTES AND VAN ANTWERPEN, CIRCUIT JUDGES

Submitted is appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);

in the above-captioned case.

Respectfully,

Clerk

MMW/KEK/zm/cmh

ORDER

The foregoing request for a certificate of appealability is denied. For the reasons explained by the District Court, Appellant's petition was not timely filed. Reasonable jurists would not find it debatable whether the district court was correct in its procedural ruling. Slack v. McDaniel, 529 U.S. 473, 483-84 (2000).

By the Court,

/s/ Julio M. Fuentes
Circuit Judge

Dated: December 7, 2005
CMH/cc: RGD, RLT



Marcia M. Waldron

Marcia M. Waldron, Clerk